

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CARLTON H. LAWSON,)	CASE NO. 1:07 cv 2468
)	
Plaintiff,)	JUDGE SARA LIOI
)	
vs.)	
)	MEMORANDUM OPINION
)	AND ORDER
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
)	
Defendant.)	

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. Under the relevant statute:

Within ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C). In this case, the ten-day period has elapsed and no objections have been filed. Defendant filed a statement indicating that it did not object to the Magistrate Judge's report and recommended decision. (Doc. No. 25.) The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and adopts the same. Accordingly, Defendant's final determination is **REVERSED**. The Court affirms the Magistrate Judge's determination that Plaintiff was disabled as of his claimed onset date of November 24, 2003. Accordingly, judgment is entered in favor of Plaintiff on his claim for disability insurance benefits under 42 U.S.C. § 423, and Defendant is **ORDERED** to pay such benefits to Plaintiff consistent with the provisions of the Social Security Act, 42 U.S.C. § 401 et seq. With respect to Plaintiff's claim for Supplemental Security Income under 42 U.S.C. § 1381 et seq., pursuant to sentence four of 42 U.S.C. § 405(g), this matter is hereby **REMANDED** to the Commissioner for a new hearing consistent with the Magistrate Judge's report and recommendation, and entry of decision based thereon.

IT IS SO ORDERED.

Dated: July 17, 2008



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE